

#12/JRW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re the Application of

Donald R. OWEN et al.

Group Art Unit: 1651

Application No.: 09/537,180

Examiner: S. SAUCIER

Filed: March 29, 2000

Docket No.: WPB40219A

For: APPARATUS AND METHOD FOR MAINTAINING AND/OR RESTORING
VIABILITY OF ORGANS

RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

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Sir:

In reply to the February 4, 2003 Restriction Requirement, Applicants provisionally elect Group I, claims 224-267, with traverse.

It is also respectfully submitted that the subject matter of all claims 224-292 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

The Examiner is respectfully requested to reconsider and withdraw the Restriction Requirement and to examine all the claims in this application.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Kevin M. McKinley
Registration No. 43,794

WPB:KMM/jfl

Date: March 4, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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